IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CRIMINAL JURISDICTION

CRIMINAL APPLICATION NO.840 OF 2006

IN

CRIMINAL APPEAL NO. 1410 OF 2003

Azaruddin Tafajjal Hussain Shah.. Petitioner

versus

State of Maharashtra ... Respondent

Mr.A.G.Toraskar, Advocate for Petitioner

Petitioner in person

Ms.S.D.Shinde,A.P.P for Respondent

CORAM : J.N.PATEL AND

SMT.ROSHAN DALVI, JJ

DATED : 19th August, 2006

ORAL ORDER :

1. Heard.

2. We have examined the case of the petitioner-prisoner who has appeared in person and has been provided an Advocate from the legal aid panel. The petitioner-prisoner is already on furlough and seeks extention of the furlough in terms of Rule 13 of the Prisons (Bombay Furlough and Parole) Rules, 1959 on the ground that his wife is required to be operated for hysttectomy and also for re-construction of his hut which has collapsed due to the monsoons.

3. The matter was got inquired and investigated by the jail authorities and the learned A.P.P. has placed before us the statement of one Dr.(Mrs) Fehmida S.Shaikh which indicate that for the present, the investigation is going on in case of gynacological problem which has been suffered by the wife of the petitioner presently and therefore considering the fact that the petitioner-prisoner wants to repair his house, we extend the furlough period for 7 days from today. The petitioner-prisoner shall surrender to the prison on expiry of the extended period of furlough granted by this Court.

4. We grant liberty to the petitioner-prisoner to apply for parole after the date of the operation on his wife is finalised and such an application shall be directly addressed to this Court for consideration.

5. Application stands disposed of accordingly.

6. The learned A.P.P. to communicate this order to the D.I.G.(Prisons),Western Region, Pune-6 as well as the Superintendent of Central Prison, District Kolhapur by fax message. The communication received by the A.P.P. along with the statement of the Medical Officer and the certificate be placed on record.

(Smt Roshan Dalvi,J) **(J.N.Patel, J)**